

REMARKS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested.

The specification has been amended to overcome the objection cited in the office action.

The indication that claims 9 and 10 would be allowed if amended to overcome the rejections under 35 USC §112, first and second paragraph is acknowledged with appreciation. Claim 9 as well as claim 2 have been amended to overcome the rejection under 35 USC §112, first and second paragraph. Thus, claims 9 and 10 should be allowed.

Claims 7 and 8 have been amended to correct lacking antecedent basis for some claim features.

Regarding the rejection of "pipe means being positioned inside the outer container defining the boiling chamber" and "a pipe means located between the flexible inner container and the outer container" as being inconsistent with each other, the term "positioned" has been changed to "located" and the phrase "an inner surface of" has been added to before the outer container.

Claim 2 has been amended to recite "means ... for transporting solvent steam from the lower space to the upper space and to the outlet and ... for preventing the solvent steam generated in the lower space from lifting the flexible inner container in the boiling chamber..." and "said means comprising a pipe located inside the outer container defining the boiling chamber".

Claim 2 recites means-plus-function language invoking 35 USC §112, sixth paragraph interpretation. MPEP §2181 recites that a means-plus-function claim is interpreted by the corresponding structure disclosed in the specification and its equivalents i.e. equivalent structure which performs the limiting function. MPEP §2183 recites three requirements for making a prima facie case of equivalence. The prior art element 1) must perform the function specified in the claim, 2) must not be excluded by any explicit definition provided in the specification for an equivalent, and 3) must be an equivalent of the means plus function limitation.

The office action dated Oct. 30, 2002 paper #7, is incorporated by reference on page 4 of the current office action. The Oct. 30, 2002 office action page 4 stated that "the pipe 102 is deemed to read or correspond to the argued pipe means located structurally between inner container and outer container and appears to extend from the lower to the upper space as claimed. Hoover's pipe is therefore capable of performing similar functions as argued i.e. transporting steam from the lower space to the upper space as claimed and vice versa as in the prior art. ...The manner or method in which an apparatus is to be used is not germane to the issue of patentability of the apparatus itself."

In this case, the manner or method in which an apparatus is used is indeed germane to the issue of patentability of the apparatus itself since the functional language in claim 2 must be disclosed by Hoover in order to be considered a prima facie equivalent structure under §112, sixth paragraph.

It is respectfully argued that pipe 102 of Hoover is not an equivalent structure to the "means ... for transporting solvent steam from the lower space to the upper space and to the outlet and ... for preventing the solvent steam generated in the lower space from lifting the flexible inner container in the boiling chamber."

Pipe 102 of Hoover transports steam generated in chamber 16 to condenser 20, i.e. from the upper space and not from a lower space to an upper space (Hoover, col. 5, lines 48-55). Pipe 102 does not prevent the solvent steam generated in the lower space from lifting a flexible inner container in the boiling chamber. Pipe 102 seems to be equivalent to the pipe 17 of the present invention.

Pipe 91 is for is for transporting heat transfer fluid to the heat transfer fluid reservoir (Hoover, col. 5, lines 17-21). Pipe 91 does not prevent the solvent steam generated in the lower space from lifting a flexible inner container in the boiling chamber.

Pipe 78 is for transporting residual materials that remain after distillation (Hoover, col. 4, lines 54-57). Pipe 78 does not prevent the solvent steam generated in the lower space from lifting a flexible inner container in the boiling chamber.

There is no equivalent structure in Hoover which performs the functional language recited in claim 2.

In addition, claim 2 is not obvious in view of applicant's admission and Hoover. There is no motivation or suggestion for a person having ordinary skill in the art to

combine the reference teachings to provide a means ... for transporting solvent steam from the lower space to the upper space and to the outlet and ... for preventing the solvent steam generated in the lower space from lifting the flexible inner container in the boiling chamber.

In addition to the prior art combination lacking a disclosure of all of the limitations recited in claim 2, the problem of lifting of the inner flexible container in the boiling chamber is not disclosed or suggested in Hoover either and none of the pipes 102, 91, 78 in Hoover attempt to address or solve the problem of lifting of an inner flexible container in the boiling chamber. Thus, claim 2 is not obvious and should be allowable.

Claims 3 and 7-8 depend from claim 2 and are patentable for the same reasons as claim 2 by virtue of their dependency from claim 2 as well as for the specific limitations recited therein.

The prior art combination does not disclose or suggest that the flexible inner container is fastened to an inner wall of the outer container by a retaining ring, the retaining ring including an inwardly directed part for allowing passage of the pipe means through the retaining ring from the lower space to the upper space. Thus, claim 3 should be allowed.


Claims 7 and 8 recite additional structural limitations not recited in claim 2. Specifically, the pipes 102, 78, 91 of Hoover do not disclose or suggest that the pipe has an inlet spaced apart from a bottom of the outer container, the inlet being the first terminal end of the pipe, the first

terminal end of the pipe being a free terminal end, and that the pipe has a second terminal end which is a free terminal end and including all of the limitations of claim 2. Thus, claims 7-8 should also be allowed.

In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this amendment to our Deposit Account No. 20-0090.

Respectfully submitted,


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